

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 6 is requested to be cancelled.

Claims 1-3 are currently being amended. Support for these amendments can be found at least in original claim 6.

New claim 12 has been added. Support for new claim 12 can be found at least in the original specification on pages 41 and 42. No new matter has been added

This amendment changes, adds and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 and 7-12 are now pending in this application.

***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,006,096 to Trompower (“Trompower”). Claims 2 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trompower in view of U.S. Patent No. 6,087,987 to Bachhuber et al. (“Bachhuber”). Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trompower in view of Bachhuber and further in view of U.S. Patent No. 4,733,215 to Memmola et al. (“Memmola”). Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trompower in view of Bachhuber and Memmola, and further in view of U.S. Patent No. 6,211,776 to Röhrle (“Röhrle”). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 is directed to a radio system that includes structure for determining the position of a portable device of the system. In this regard, claim 1, as amended, recites

“wherein said stationary device varies the setting of the amplitude relations between transmission output powers of the first signals from said respective stationary-device side antennae and sends the first signals, and said stationary device determines the position of said portable device by using the reception intensity data obtained for each said setting”, and “wherein said stationary device determines the position of said portable device as viewed in a direction in which paired antennae of the stationary-device side antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae.” The references cited in the rejection of the claims fail to suggest at least this combination of features in claim 1, where the stationary device varies the setting of the amplitude relations between transmission output powers of the first signals from the respective stationary-device side antennae and sends the first signals, and determines the position of the portable device as viewed in a direction in which paired antennae of the stationary-device side antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae.

Trompower discloses a power based locator system including a host computer 60, base stations 54 and mobile terminals 66 (See FIG. 1). The system can determine the approximate location of the mobile terminals within the system (abstract).

In contrast to claim 1, however, Trompower does not disclose determining the position of a portable device (mobile terminal) by varying the setting of the amplitude relations between transmission output powers of first signals from respective stationary-device side antennae, and determining the position of the portable device as viewed in a direction in which paired antennae of the antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae. In the Trompower system, a position of a mobile terminal is determined by changing the cell coverage area of base stations to determine at what point the mobile terminal falls within the cell coverage of the base stations. Thus, in the Trompower system, the strength of the signal from a base station is changed to change the size of the cell coverage, and it is noted whether or not a mobile terminal falls within a particular cell coverage area. Even if Trompower can be interpreted as changing the amplitude of the transmission output of the antennae of its base stations, however, Trompower does not disclose determining the position of its mobile

terminals by using magnitude relations between the reception intensity data of any paired antennae. The Trompower system merely determines whether or not a mobile unit falls within a cell coverage of an antenna, Trompower does not suggest determining the position by relating the magnitude of the signal intensity from one base antenna received by a mobile terminal to the magnitude of the signal intensity from another base antenna received by the mobile terminal. Thus, the system of Trompower determines the position of its mobile terminal in quite a different fashion from the way the position of the portable device is determined in claim 1.

Bachuber, Memmola, and Röhrli fail to cure the deficiencies of Trompower, in that none of these systems suggests determining the position of a portable device using a stationary device, where the stationary device both varies the setting of the amplitude relations between transmission output powers of first signals from the respective stationary-device side antennae and sends the first signals, and also determines the position of the portable device as viewed in a direction in which paired antennae of the stationary-device side antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae.

With respect to Bachuber, for example, Bachuber does not disclose specifying the position of a portable device from the combination of varying the “the setting of the amplitude relations between transmission output powers” and “using the magnitude relations between the reception intensity” as recited in claim 1. Thus, even if Bachhuber were combined with Trompower, the resultant system would not meet the limitations of claim 1.

Independent claims 2 and 3, respectively recite “wherein said stationary device varies the setting of the amplitude relations between transmission output powers of the first signals from said respective stationary-device side antennae and sends the first signals, and said portable device determines the position of said portable device by using the reception intensity data obtained for each said setting, wherein said stationary device determines the position of said portable device as viewed in a direction in which paired antennae of the stationary-device side antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae” and “wherein said stationary device receives

the first signals by varying the setting of the magnitude relations between the reception intensity data of the first signals from the stationary-device side antennae, and determines the position of said portable device by using the reception intensity data obtained for each setting, wherein said stationary device determines the position of said portable device as viewed in a direction in which paired antennae of the stationary-device side antennae are arrayed by using the magnitude relations between the reception intensity data of the paired antennae” and thus are patentable over the references cited in the rejections for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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